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October 15, 2021

VIA ECF

Honorable James L. Cott
United States Courthouse
500 Pearl Street
New York, New York 10007

RE: Kaye v. NYC Health & Hospitals Corp. et. al.
Index No.: 18-cv-12137(JPC)(JLC)

Dear Honorable Judge Cott:

I respectfully write the Court to update it on the parties' compliance with Your Honor's Scheduling Order. As per the Scheduling Order, Plaintiff took the depositions of Dr. Ford, Dr. Jain, Dr. Winkler, Ms. Swenson, Mr. Wangel and Mr. Bloom. To comply with the Court's Scheduling Order to complete fact discovery by October 15th, two additional depositions were scheduled: Dr. Kaye was originally scheduled to be deposed on October 11th; and Dr. Ross MacDonald was scheduled to be deposed on October 14th.

Last week, Counsel contacted me and requested to reschedule Dr. Kaye's deposition. At that time, she revealed that she did not realize that she had scheduled the deposition on a federal holiday. She then cited plans with her family and a conflict. To accommodate counsel, despite Dr. Kaye's child care obligations and her ongoing physical therapy, Plaintiff agreed to sit for her deposition on October 15, 2021. Although, she believed that the deposition was scheduled to take place today, Defense Counsel never sent Zoom conference log-in information prior to today's cancellation.

Plaintiff continued to proceed with complying with Your Honor's Scheduling Order in good faith. This week, she took the depositions of Dr. Winkler and Mr. Bloom. Plaintiff scheduled and was ready to proceed with Dr. MacDonald's deposition on October 14th, however several hours before that deposition was to proceed, Defense Counsel canceled due to illness.

Plaintiff has thereby written this letter to the Court in light of her obligations under Fed. R. Civ. P. 41. Plaintiff is fully aware that she has an obligation to prosecute this case or risk dismissal. Accordingly, she has taken six depositions in the span of two weeks. In a further effort to comply with the Court's order and the federal rules, she has also sought to accommodate Defense Counsel. However, due to Defense Counsel's cancellations, Plaintiff is concerned about her ability to pursue justice and to have her day in Court. As such, she respectfully seeks the Court's intervention.

Respectfully submitted,

—THE LAW OFFICES OF—

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/s/

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c: Donna Canfield, Esq.
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